



National Research Council
Canada

Conseil national de recherches
Canada

Commercialization
Branch

Direction de la
commercialisation

Ottawa, Canada

NRC - CNRC

FACSIMILE COVER SHEET

OFFICIAL

DATE: October 21, 2004

Our File No. 10890-1C

OFFICIAL

ADDRESSEE/ U.S.P.T.O.

Attn: OFFICE OF PETITIONS

FAX NO./ (703) 872-9306

SENDER/ J. Wayne Anderson

FAX NO./ (613) 952-6082

NO. OF PAGES (INCLUDING COVERING PAGE) (15)
NOMBRE DE PAGES (Y COMPRIS LA PAGE COUVERTURE):

**PLEASE CALL US AT 613 990-3648 IF THE TRANSMITTAL IS INCOMPLETE.
VEUILLEZ NOUS REJOINDRE AU 613 990-3648 SI CE N'EST PAS COMPLET.**

COMMENTS/COMMENTAIRES:

PLEASE SEE ATTACHED

This message is intended only for the use of the person to which it is addressed. It may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by telephone. Thank you.

Cette communication est exclusivement destinée à la personne à qui elle est adressée. Elle peut contenir de l'information privilégiée, confidentielle ou ne pouvant être divulguée que selon la loi applicable. Si vous avez reçu cette communication par erreur, veuillez nous en aviser immédiatement par téléphone. Merci.

Canada

2005 03 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Bernard Massie et al

Serial No: 10/656,372

Filing Date: 09/08/2003

Examiner: Donna C. Wortman

Art Unit: 1648

Title: **Efficient Generation of Adenovirus-based Libraries**

Docket No: 10890-1C

OFFICIAL

March 10, 2005

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A. **OFFICE OF PETITIONS**

Sir:

**REQUEST FOR RECONSIDERATION OF
PETITION FOR GRANTING OF A FILING DATE**

In response to the Decision mailed January 28, 2005, we hereby request re-consideration of the Petition for Granting of a Filing Date of September 8, 2003.

A copy of the Amendment (as filed on September 8, 2003 as E) is attached.

It is hereby requested that the filing date of the Divisional application be accorded the original filing date of September 8, 2003 as submitted to the USPTO.

The circumstances involved are that when the above application was filed in the USPTO on September 8, 2003, the papers submitted inadvertently omitted a copy of the parent application 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003. The papers did include however a copy of the original Declaration; a copy of the original Assignment document; a Preliminary Amendment to insert the parent application information into the original specification; the filing fee; and the Utility Patent Application Transmittal, indicating in Box 18 that this application is a Divisional of prior application 09/843,949. We enclose a copy of the Transmittal with the OIPE stamp dated SEP 08 2003 for your records (A).

We received a Notice of Incomplete Nonprovisional Application dated 12/15/2003 asking for the missing specification (Copy returned herewith as B). A Response to this notice is enclosed (filed on 2 February, 2004 as C), thereby submitting the specification from the parent application 09/843,949 filed

2

04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003 and a Missing Parts fee of \$130.00.

We further received a Notice to File Missing Parts of Nonprovisional Application dated 03/25/2004 (**copy returned herewith as D**) giving a granted filing date of 02/04/2004 and two months in which to submit an oath or declaration and a Sequence Listing.

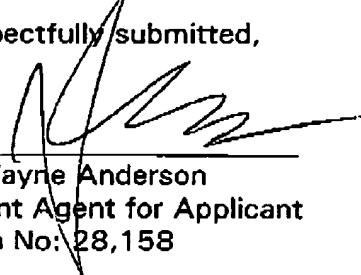
We believe that the specification and a newly executed oath or declaration was not necessary for a filing date and we hereby request that this application be granted the filing date of September 8, 2003 as a Divisional application of 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003.

In Response to the Notice to file Missing Parts, we enclose a Statement 37 CFR 1.821(e) regarding the Sequence Listing.

We believe that the Petition Fee was paid on February 2, 2004. If this is not the case, we hereby authorize you to charge the Required Fee of **\$130.00** to our **Mastercard Credit Card**. The required Form PTO-2038 is attached herewith.

We hereby authorize you to deduct any deficiency of the fee stated above or credit to this amount to our **Deposit Account 14-0429**.

Respectfully submitted,



J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158

:lmg
National Research Council Canada
M-58, EG-12, Montreal Road
Ottawa, Ontario K1A 0R6 Tel: 613-993-3899

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



J. Wayne Anderson



March 10, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Bernard Massie et al
Serial No: 10/656,372
Filing Date: 09/08/2003
Examiner: Donna C. Wortman Art Unit: 1648
Title: **Efficient Generation of Adenovirus-based Libraries**
Docket No: 10890-1C

April 20, 2003

OFFICIAL

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

STATEMENT 37 CFR 1.821(e)

Sir:

The computer readable form in this application, 10/656,372, is identical with that filed in Application Number 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003 and with that filed in Application Number 09/258,209 filed February 26, 1999 now US Patent No. 6,291,226 issued September 18, 2001. In accordance with 37 CFR 1.821(e), please use the first-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

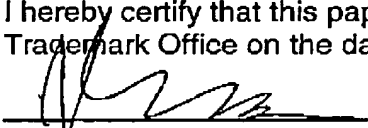
Respectfully submitted,



J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158 Tel: 613-993-3899

:ech

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


J. Wayne Anderson


April 20, 2004